

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
SYNTEL STERLING BEST SHORES	:	
MAURITIUS LIMITED, et al.,	:	
	:	15 Civ. 211 (LGS)
Plaintiffs/Counterclaim-Defendants,	:	
	:	<u>ORDER</u>
-against-	:	(Defendants' MIL 4)
	:	
THE TRIZETTO GROUP, et al.,	:	
	:	
Defendants/Counterclaim-Plaintiffs.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

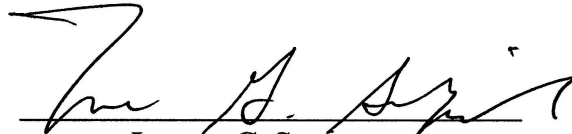
Defendants/Counterclaim-Plaintiffs The TriZetto Group, Inc. and Cognizant Technology Solutions Corp. (collectively, “Defendants”) move *in limine* (Dkt. No. 703) for an adverse inference regarding the failure of Plaintiffs/Counterclaim-Defendants Syntel Sterling Best Shores Mauritius Limited and Syntel, Inc. (together, “Syntel”) to produce relevant evidence to the forensic examiner.

Defendants seek an adverse inference instruction because Syntel did not disclose computers for seventeen custodians. The parties dispute two of the elements necessary to warrant an adverse inference instruction -- that Syntel had a “culpable state of mind” and that the missing evidence is relevant to a claim or defense. *See Residential Funding Corp. v. DeGeorge Fin. Corp.* 306 F.3d 99, 107 (2d Cir. 2002) (stating the requirements to warrant an adverse inference). Based on the parties’ recitation of facts in their respective memoranda of law, Defendants have failed to meet their burden of satisfying these two elements.

For these reasons, it is ORDERED that Defendants' motion *in limine* No. 4 is DENIED. The jury will not be instructed to draw any inferences adverse to Syntel regarding its failure to produce certain computers to the forensic examiner.

The Clerk of Court is respectfully directed to close the motion at Docket No. 703.

Dated: September 30, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE